IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 827 OF 2006

Arvind Narayan Kale. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri S.S. Salunkhe for Applicant.
Ms.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 12, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant is arrested in connection with an offence punishable under Sections 302, 201, 182, 498A of the IPC registered at the Akaluj Police Station.

2. It is alleged that the applicant committed the murder of his wife and tried to create impression that she committed suicide by hanging herself from a tree. The post mortem report indicates that the deceased died due to strangulation and there was blood in her lungs and heart which indicated that the pillow was used for

the purpose of committing her murder.

3. I have perused the post mortem notes and the other statements of witnesses. It is no doubt true that the rope which was found on the tree was not tied to the branch. The evidence, however, against the applicant is circumstantial evidence. The applicant is in jail since 3rd October, 2005. The chargesheet has been filed. The applicant has a fixed place of residence and is not likely to abscond. The trial is not likely to commence in the near future. In a case where the doubt is created regarding the cause of death i.e. whether the deceased committed suicide or was murdered, in my view, it would not be proper that the applicant is kept in custody indefinitely till the disposal of the case. In this view of the matter, in my opinion, the applicant is entitled to be released on bail.

4. The applicant be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount. The applicant shall report to the concerned police station twice in a month.

5. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

6. The trial Court shall not be influenced by any observations made by this Court while deciding the application and it shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of.

(V.M. Kanade, J.)